

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ADRIAN CARLSON,

Plaintiff,

v.

W. JONDREAU, et al.,

Defendants.

Case No. 2:04-cv-1

CONSENT CASE

OPINION

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Trial was held in this matter on May 25, 2007. At the conclusion of trial, I ruled in favor of defendants. According to plaintiff, on May 17, 2003, he witnessed two corrections officers assault another prisoner in the shower. Plaintiff maintains that 12 days later, on May 29, 2003, defendants Turner and Ekdahl escorted plaintiff to the office of Resident Unit Manager Jondreau where they instructed plaintiff to write a false statement on behalf of staff regarding the assault. Plaintiff maintains that during the meeting in Jondreau's office, he was assaulted twice, which resulted in a cut on the back of his head. Testimony clearly established that plaintiff was not escorted to Jondreau's office on May 29, 2003, that no assault occurred on that date, and that plaintiff voluntarily made the statement on May 17, 2003. In addition, Jondreau was not working on May 17, 2003, and could not have participated in a meeting on that day. Plaintiff's witnesses were not credible. For the reasons stated on the bench, I find that plaintiff has failed to meet his burden of establishing that an assault occurred. Accordingly, judgment will be entered for the defendants.

Dated: June 1, 2007

/s/ Timothy P. Greeley

TIMOTHY P. GREELEY

UNITED STATES MAGISTRATE JUDGE